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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA –OAKLAND DIVISION

ANNETTE M. FILENA, individually and as
successor in interest for decedent, Debra
Kincaid,

Plaintiff,

v.

ALAMEDA COUNTY MEDICAL CENTER–
JOHN GEORGE PSYCHAITRIC
PAVILLION and DOES 1-100, inclusive.

Defendants.

Case No.: C 07 – 05462 SBA

Hon. Sandra B. Armstrong

**STIPULATION AND ORDER TO ALLOW
PLAINTIFF TO AMEND HER
COMPLAINT SO THE CASE MAY BE
REMANDED TO STATE COURT**

The parties stipulate to allow plaintiff, Annette Filena, to file the proposed First Amended Complaint attached as **Exhibit A**, which does not include any claims based on federal law or California Health & Safety Code Section 1430(b), against defendant Alameda County Medical Center – John George Psychiatric Pavillion. The parties also stipulate that because the plaintiff is no longer seeking a claim against this defendant based on federal law or California Health & Safety Code Section 1430(b), the defendant agrees to withdraw its Motion to Dismiss these claims. The parties further stipulate that because there are no pending federal claims to be adjudicated, they respectfully request that this Court remand this case to state court for all further proceedings.

DATED: November____, 2007

SCOTT LAW FIRM

By: _____
Lizabeth N. de Vries
Attorney for Plaintiff

DATED: November____, 2007

**GALLOWAY, LUCCHESI, EVERSON &
PICCHI**

By: _____
Martin J. Everson,
Attorney for Defendant

ORDER

Based on the stipulation of the parties, and good cause appearing therefor;

IT IS HEREBY ORDERED that the plaintiff may file her proposed amended complaint and this case should be remanded to the state court for all further proceedings.

DATED: 12/5/07



Hon. Sandra B. Armstrong,
U.S. District Court Judge